IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9984 of 2005

Between:

U. Suryanarayana Babu, Son of late Purna Subbarao, Hindu, 55 years, H.No. 60-7-8, 4th line, Siddartha Nagar, Vijayawada-10

..... PETITIONER

AND

1. The Junior Accounts Officer, Southern Power Distribution Company of AP limited, Sub-Elecy., Revenue Office, Pamarru, Krishna District.
2. The Superintending Engineer, Southern Power Distribution Company of AP ltd., Operation, Vijayawada.
3. The Divisional Electrical Engineer, Southern Power Distribution Company of AP Limited, Operation, Machilipatnam.
4. The Assistant Divisional Engineer, Southern Power Distribution Company of AP limited, OSD, Pamarru, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of direction more particularly in the nature of a writ of mandamus declaring the impugned notice issued by the Ist respondent against the petitioner dated 4.3.2005 is illegal, arbitrary and consequently to quash the same as illegal, arbitrary and to pass such other relief or reliefs as this Hon'ble Court deems just and proper in the circumstances of the case.

Counsel for the Petitioner: MR.AMBADIPUDI SATYANARAYANA

Counsel for the Respondents: MR.R.SREERAMULU

The Court at the stage of admission made the following :

ORAL ORDER:

Petitioner seeks to declare the impugned notice issued by the first respondent against the petitioner dated 4.3.2005 is illegal, arbitrary and consequently to quash the same.

The contention of the petitioner is that the first respondent has served a notice dated 4.3.2005 on him styling him as proprietor of M/s. Kumar Raj Pet Performs Pvt. Ltd and directed him to pay an amount of Rs. 2,27,843/- towards arrears on the service connection No. 133 relating to the said company and in case of failure, they threatened to disconnect power supply to the service connection Nos. 112 and 88 of the properties situated at Inampudi village exclusively belonging to the petitioner.

However, learned counsel for the petitioner submitted that the petitioner is not the proprietor of the concern, and hence the respondents, instead of issuing the notices on the proper persons, who are managing the affairs of the company, have wrongly issued the impugned notice to him describing him as proprietor, by putting him under threat of disconnection of service connections 112 and 88, which are relating to his individual properties. He further submitted that though he is not the proprietor of the concern, he will pursue the matter with the directors of the company if some time is granted to him.

Having regard to the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, six weeks time is granted to the petitioner to pay the demanded amount, failing which, the respondents would be at liberty to proceed in accordance with law.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

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kvsn 28-04-2005

To

1. The Junior Accounts Officer, Southern Power Distribution Company of AP limited, Sub-Elecy., Revenue Office, Pamarru, Krishna District.
2. The Superintending Engineer, Southern Power Distribution Company of AP ltd., Operation, Vijayawada.
3. The Divisional Electrical Engineer, Southern Power Distribution Company of AP Limited, Operation, Machilipatnam.
4. The Assistant Divisional Engineer, Southern Power Distribution Company of AP limited, OSD, Pamarru, Krishna District.
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